



Department of Energy
Germantown, MD 20874-1290

November 17, 1998

The Honorable Phillip Muller
Minister of Foreign Affairs and Trade
Republic of the Marshall Islands
Majuro, Marshall Islands 96960

Dear Minister Muller:

Pursuant to the the Agreed Minutes signed at your Embassy on October 2, 1998, concerning the Department of Energy (DOE)-Republic of the Marshall Islands annual meeting in Honolulu, Hawaii, on July 1-2, 1998, I am writing to address the term "exposed" as it relates to DOE's special medical care program in the Marshall Islands.

Please be assured that DOE and its contractors understand the importance the Marshallese people attach to usage of the terms "exposed" and "unexposed," and that DOE will use its best efforts to ensure that DOE medical care and environmental monitoring program providers' written and oral communications concerning use of the term "exposed" comport with U.S. law as summarized in the enclosure to this letter.

As per the agreement of October 2, 1998, reached at our recent meeting at the Embassy, I am looking forward to the opportunity to meet with congressional staff to explain the terminology we have used in the past to describe our medical program in the Marshall Islands.

Sincerely,

A handwritten signature in black ink, appearing to read "P. Seligman", is positioned above the typed name.

Paul J. Seligman, M.D., M.P.H.
Deputy Assistant Secretary
for Health Studies

Enclosure

cc w/enclosure:
See attached list.



cc w/enclosure:

Ambassador Banny de Brum.

RMI Embassy, Washington, D.C.

Ambassador Joan Plaisted.

American Embassy, Majuro

Senator Henchi Balos, Bikini

Senator Ismael John, Enewetak

Senator Johnsay Riklon, Rongelap

Senator Hiroshi Yamamura, Utrik

Mayor Tomaki Juda, Bikini

Mayor Naptali Peter, Enewetak

Mayor James Matayoshi, Rongelap

Mayor Joe Saul, Utrik

Lynn Sicade, Department of State

Colonel Ashton Ormes.

Department of Defense

Joe McDermott, Department of the Interior

Ester Kia'aina, Office of Senator Akaka

Use of the Term "Exposed" Pursuant to United States Law

The intended beneficiaries of the Department of Energy's (DOE) medical care program are identified in section 103(h)(1) of the Compact of Free Association Act of 1985 (COFAA) (48 U.S.C. 1903(h)(1)) captioned "DOE Radiological Health Care Program." Section 103(h)(1) states in relevant part as follows:

Notwithstanding any other provision of law, upon the request of the Government of the Marshall Islands, the President (either through an appropriate department or agency of the United States or by contract with a United States firm) shall continue to provide special medical care and logistical support thereto for the remaining 174 members of the population of Rongelap and Utrik who were exposed to radiation resulting from the 1954 United States thermonuclear "Bravo" test, pursuant to Public Laws 95-134 and 96-205.

COFAA section 103(j) (48 U.S.C. 1903(j)), which is the subject of the Republic of the Marshall Islands (RMI) paper entitled "The issue of 'exposed' and DOE's interpretation of 'unexposed'," does not relate to DOE's radiological health care program or the "Bravo" test. Rather, section 103(j) concerns the "Four Atoll Health Care Program," administered on behalf of the U.S. Government by the Department of the Interior, for

the people of the Atolls of Bikini, Enewetak, Rongelap, and Utrik who were affected by the consequences of the United States nuclear testing program, pursuant to the program described in Public Law 95-134 and Public Law 96-205 and their descendants (and any other persons identified as having been so affected if such identification occurs in the manner described in such public laws).

Neither section 103(h)(1) nor section 103(j) utilizes the term "unexposed." In addition, neither section 177 of the Compact of Free Association nor its implementing agreement, which is cited in the RMI position paper, utilizes either "exposed" or "unexposed." Furthermore, COFAA section 103(j)(1) states that:

Nothing in this subsection shall be construed as prejudicial to the views or policies of the Government of the Marshall Islands as to the persons affected by the consequences of the United States nuclear testing program.